

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>RAS Citron, LLC</b> 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 470-321-7112 Attorneys For Secured Creditor <b>Nationstar Mortgage LLC D/B/A Mr. Cooper</b>  Harold Kaplan, Esq. (NJ-0226)	CASE NO.: 19-21153-JNP  CHAPTER 13  <b>Objection to Confirmation of Debtor's Chapter 13 Plan</b>
<b>In Re:</b>  <b>Luberky A. Guerrero de Mercado,</b>  <b>Debtor.</b>	

**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

Nationstar Mortgage LLC D/B/A Mr. Cooper ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 11), and states as follows:

1. Debtor, Luberky A. Guerrero de Mercado, ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on June 3, 2019.
2. Secured Creditor holds a security interest in the Debtor's real property located at 4530 Gail Ln, Newfield, NJ 08344, by virtue of a Mortgage recorded on May 22, 2007 in Book 2092, at Page 079 of the Public Records of Gloucester County, NJ. Said Mortgage secures a Note in the amount of \$60,000.00.
3. The Debtor filed a Chapter 13 Plan on June 21, 2019.
4. The Plan fails to include treatment of Secured Creditor's claim. The subject property and claim are, however, listed in Debtor's schedules. Secured Creditor objects to the Plan and seeks clarification as to Debtor's intentions in regard to the subject property and claim.
5. Further, it is anticipated that Secured Creditor's claim will show the pre-petition arrearage due Secured Creditor is \$1,141.23, whereas the Plan fails to provide for the said arrearage. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan

which proposes to pay it anything less than \$1,141.23 as the pre-petition arrearage over the life of the plan.

6. Based on Debtor's Schedules, the Plan does not appear feasible due to the representation that sufficient disposable income is not available to support the proposed Plan payments.

Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(6) and cannot be confirmed.

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

RAS Citron, LLC  
Attorney for Secured Creditor  
130 Clinton Road, Suite 202  
Fairfield, NJ 07004  
Telephone Number 470-321-7112

By: /s/Harold Kaplan  
Harold Kaplan, Esquire  
NJ Bar Number NJ-0226  
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**CERTIFICATION OF SERVICE**

1. I, Harold Kaplan, represent Nationstar Mortgage LLC D/B/A Mr. Cooper in this matter.
2. On July 19, 2019, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

July 19, 2019

RAS Citron, LLC  
Attorney for Secured Creditor  
130 Clinton Road, Suite 202  
Fairfield, NJ 07004  
Telephone Number 470-321-7112

By: /s/Harold Kaplan  
Harold Kaplan, Esquire  
NJ Bar Number NJ-0226  
Email: hkaplan@rasnj.com

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Charles M. Izzo Law Office of Charles M. Izzo 116 North 2nd Street PO Box 2936 Camden, NJ 08102	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Luberky A. Guerrero de Mercado aka Luberky Mercado 4530 Gail Lane Newfield, NJ 08344	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Isabel C. Balboa 535 Route 38 - Suite 580 Cherry Hill, NJ 08002	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
U.S. Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)